

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

EXHIBIT

A

JOANN FIELDS and ROSE TROTTY,
Plaintiffs,

v.

Civil Action No. 9:13-cv-250

STEPHEN F. AUSTIN STATE
UNIVERSITY, and BOB COKER,
Individually and in his
Official Capacity as Transportation
Manager for Stephen F. Austin State
University,
Defendants.

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DECLARATION OF ROBERT COKER

STATE OF TEXAS

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COUNTY OF NACOGDOCHES

“My name is Robert (“Bob”) Coker. I hold the position of Manager of Transportation and Special Services at Stephen F. Austin State University (“SFASU”). I am a Defendant in my individual and official capacity in this lawsuit. The facts stated in this declaration are based on my personal knowledge, and I am in all ways competent to testify on the matters stated.

1. I have been employed by SFASU in the Physical Plant Department since 2008. I started my career at SFASU as a Student Worker. I was promoted to my current position as Manager of Transportation and Special Services in 2009.
2. The Physical Plant Department is dedicated to providing an environment that supports the mission and core values of SFASU in an efficient, safe, and cost effective manner. Working as a team, PPD employees fulfill this mission by serving SFASU students, faculty, staff, and all SFASU programs to contribute to their success and quality of life. PPD is responsible for the administration of all Education and General facilities and associated services, including but not limited to: building maintenance, ground maintenance, custodial services, transportation services, street maintenance, utility distribution and infrastructure, central store operations, and campus construction projects.

3. PPD is organized in to various shops that perform different tasks. In my duties as Manager of Transportation and Special Services, I supervisor four shops within PPD: Transportation, Road Bus Operations, Shuttle Bus Operations, and Special Services.
4. The four shops I supervisor currently have 20 employees. Three of those employees are Shuttle Bus Drivers—Rose Trotty, Joanne Fields, and Linda Garrett. Two others are Road Bus Drivers—Don Hetrick and James Horton. One employee, Jaime Arriaga serves in a supervisory capacity as the Special Services Foreperson. Two employees—Allen Uhreyk and Garth Zimmerman are Garbage Crew Workers. One employee, Alberto Velasquez, is a Garbage Truck Driver II. One employee, Cornell Butler serves in a supervisory capacity as the Auto Shop Foreperson. One employee, Mindy Wolbert, is an Auto Parts and Tool Specialist. One employee, Randy Holland, is a Heavy Equipment Operator. Three employees are Mechanics – Bobby Westmoreland, David Corley, and Craig Yates. One employee, John Muckleroy, is an Auto Detail Person. One employee, Lynn Clark, is an Administrative Assistant for my four shops as well as the Grounds shop; she is also the Dispatcher for Shuttle Buses, Road Buses and Rental Cars. I also have three student workers that help with paperwork in the Transportation, Special Services, Grounds, and Auto Shop offices. Additionally, Matthew Flynn is a former SFASU employee who worked as a Garbage Truck Driver from approximately November 2011 until his departure in November 2013.
5. I have never supervised any personnel in the University Police Department (“UPD”) including employees Angela Harless and Cindy Lay. I also have not had any role in the hiring of any UPD employees or in setting their wages. PPD and UPD are separate university departments.
6. Attached hereto as Exhibit A-1 is a true and correct copy of the job description for the Shuttle Bus Driver position
7. Attached hereto as Exhibit A-2 is a true and correct copy of the job description for the Shuttle Bus Driver position from 1990.
8. Attached hereto as Exhibit A-3 is a true and correct copy of the job description for the Road Bus Driver position.
9. Attached hereto as Exhibit A-4 is a true and correct copy of the job description for the Special Services Foreperson position.
10. Attached hereto as Exhibit A-5 is a true and correct copy of the job description for the Garbage Crew Worker position.
11. Attached hereto as Exhibit A-6 is a true and correct copy of the job description for the Garbage Truck Driver position.
12. Attached hereto as Exhibit A-7 is a true and correct copy of the job description for a General Services Laborer.

13. These job descriptions were created and kept in the regular course of business.

PPD Shuttle Bus Drivers

14. The campus shuttle buses operate Monday-Friday 7:20 a.m. to 5:20 p.m. during the Fall and Spring academic terms. During this time, the Shuttle Bus Drivers' duties primarily consist of driving the shuttle bus along a preset campus route. The main responsibility in operating the shuttle buses is to safely transport passengers around campus.
15. The shuttle bus route only runs on-campus and the Shuttle Bus Drivers are only occasionally asked to travel off-campus in the course of their duties. Likewise, the Shuttle Bus Drivers do not routinely work on weekends, over-night, or on the night or early-morning shift.
16. The Shuttle Bus Drivers do not do mechanical work in the course of their duties and are not required to have a high degree of mechanical skill. Since the shuttle buses routinely stay in close proximity to campus, if a mechanical problem occurs it is worked on by our PPD mechanics.
17. The Shuttle Bus Drivers also do not operate the road bus or perform any of the duties associated with a Road Bus Driver. Likewise they do not have any supervisory responsibilities or perform the duties associated with a Special Services Foreperson.
18. The Shuttle Bus Drivers do occasionally assist other workers in the Special Services shop although the overlap in duties is minor and rare. For example, Ms. Fields has only driven the special services asphalt truck one time—for one hour—in the last two years (in January 2012). Ms. Trotty likewise has not driven the asphalt truck since May 2012.
19. Consistent with PPD's mission, all positions have back-ups who are expected to fill-in if necessary. For instance, during the school year, when the shuttle buses are operating, employees within PPD who possess Commercial Driver's Licenses fill-in driving the PPD shuttle buses if the Shuttle Bus Drivers are out.
20. In the summer months, when the shuttle buses are not operating, Shuttle Bus Drivers are assigned to assist other PPD shops. Ms. Garrett is assigned to the Grounds Crew for the summer while Ms. Fields and Ms. Trotty are assigned to the Custodial shop. While working in custodial, Plaintiffs work inside in an air-conditioned environment. Plaintiffs' summer custodial duties include emptying trash and recycling containers and cleaning the buildings.
21. Ms. Fields was initially and voluntarily assigned to assist Custodial in 2011 because it would allow her to obtain additional overtime pay. Since that time, she has worked for Custodial in the Summer and Winter breaks.

22. Ms. Trotty was first assigned to assist Custodial for the Summer break in May 2012. Prior to that she assisted the Grounds Crew in the summer. I assigned her to assist Custodial because she had discipline issues with the Grounds Crew supervisors and I hoped working in Custodial would be a more productive fit. Since May 2012, she has assisted the Custodial shop during the Summer and Winter breaks.

Special Services Positions

23. The Garbage Crew Worker, the Garbage Truck Driver, and the Special Services Foreperson positions are all part of the Special Services Shop. In addition to the job duties enumerated in their job descriptions, they regularly perform these additional duties:

- Operate fork lift and freight docking services;
- Back-up Shuttle Bus Drivers, Road Bus Drivers (Arriaga and Flynn); and Mechanics (Zimmerman);
- Perform welding and fabrication;
- Paint parking lot stripes, curbs, handicap spots, and crosswalks on campus roads and lots;
- Drive dump trucks, perform asphalt construction, installation, maintenance, and patching;
- Perform forming, pouring, and finishing concrete;
- Perform general construction labor;
- Perform skilled carpentry;
- Perform minor electrical repair;
- Install, repair, and maintain parking and regulatory signs and poles;
- Provide garbage service at football games and tailgates;
- Set-up all special events in coliseum, including all commencement ceremonies, concerts, job fairs, and freshman convocation;
- Set up Shelton Gym for job fair, assist in showcase Saturday set up at recreation center;
- Assist equipment operator with bonfire construction;
- Empty all outside dumpsters and trash cans Monday-Saturday;
- Design, maintain, and print maps and materials for shuttle service and dumpster location;
- Move furniture, office and lab equipment;
- Pressure wash walks, equipment, and buildings;
- Transport archives and antiquities;
- Assist Electrical Shop to install and remove campus Christmas lighting and decorations;
- Move surplus computer and other items to the Science Research Center and procurement;
- Hot shot services;
- Deliver, set-up, and retrieve rental inventory of tables, chairs, risers, and stages for events year round;
- Repair fencing, handrails, and gates around campus;

- Construct temporary fence for alumni tent during football games;
- Install hot tape traffic directional arrows and pedestrian walkway;
- Transport disabled students in ADA van for disability services;
- Clean regulatory signs on campus to comply with State and Federal retro reflectivity laws;
- Empty hot coal dumpsters for Football tailgating;
- Provide demolition trailers to campus clients;
- Construct and maintain walking and bicycle trails;
- Sand and salt ice covered bridges, ramps, and steps overnight in Winter;
- Clean garbage truck hopper area daily while wearing rain suit;
- Pick up trash around compactors and dumpsters and pressure wash as needed;
- Dirt work and compacting for paving;
- Perform demolition and site clean-up;
- Assemble furniture and cubicles;
- Manage paint room and sign inventories;
- Perform expansion joint maintenance walk-ways;
- Perform routine building maintenance at Ground and Transportation Building;
- Clean equipment yard;
- Manage scrap metal recycling;
- Capture live animals on campus and remove dead animals on campus;
- Clean waste oil storage tanks and holding area;
- Clean grounds equipment storage area east side of campus;
- Move and install modular buildings;
- Transport skids of printed marketing materials from off-campus storage to admission; and
- Clean out storage building of unwanted state property.

24. In short, the Garbage Crew Worker position and the Garbage Truck Driver position primarily involve manual labor in an outdoor setting. The position requires lifting heavy-objects and operating dangerous equipment. Particularly in the summer months, the positions also involve working outside in occasionally extreme weather conditions.

25. Because of the physical nature of the positions and the working environment, the Garbage Truck Driver II and Crew Worker positions are not viewed as desirable positions. In order to attract and retain quality workers, I have felt it is necessary to offer new hires in these positions the maximum wage I am authorized to offer under my operating budget and SFASU policy. When offering salaries to new employees I have been restricted to offering the lower of the position's previous wage and the position's mid-point wage.

26. Therefore, when Arriaga, Flynn, Velasquez, and Allen Uhyrek were hired in these positions, I offered them the same wage as the position's previous employees. When Zimmerman was hired, I offered him the mid-point salary for the position.

27. The Special Services Foreperson is the first-line supervisor for the Special Services shop and the Shuttle Bus operations.
28. Driving only takes up a minor portion of Special Services' duties.
29. Operating a garbage truck is vastly different than operating the shuttle buses. In contrast to a shuttle bus, a garbage truck involves a complex hydraulic system to lift, dump, and compact garbage; a heavy truck chassis; limited visibility; joystick controls; and complex electronic controls for multiple onboard systems.
30. Unlike the Shuttle Bus Driver position, the Garbage Truck Driver II position also requires the employee to pressure wash the exterior and the interior of the vehicle daily while wearing a rain suit. The Garbage Truck Driver also starts the route at 5 a.m. and works on Saturdays.

Road Bus Drivers

31. The Road Bus Drivers' primary responsibility is to transport SFASU's athletic teams and student organizations to their off-campus events. The road buses are large 52 passenger over-the-road buses that are significantly larger and more difficult to operate than the shuttle buses.
32. SFASU is part of an athletic conference (the Southland Conference) that spans three states (Texas, Louisiana, and Arkansas). Therefore, transporting the SFASU teams to West Texas, Louisiana, or Arkansas regularly requires the driver to travel out-of-town over-night, and on weekends. The drivers are required to travel out-of-town on multi-day trips for the majority of their working hours.
33. Because of the regular out-of-town trips, the Road Bus Drivers drive significantly more miles in the course of their duties than the Shuttle Bus Drivers.
34. Also, the Road Bus Driver position requires a higher degree of mechanical skills and experience compared to the Shuttle Bus Driver position. Because the road buses operate off-campus, the position requires the driver to work autonomously and have a high level of mechanical expertise and skill should a mechanical problem arise when the bus is away from campus.
35. Attached hereto as Exhibit A-8 is a true and correct copy of a letter from Mr. Hetrick's employment file that requests a higher starting salary based on Mr. Hetrick's skills and experience as a diesel mechanic. This letter was created and kept in the regular course of business.

Compensation

36. SFASU's policy sets the procedure and standards for setting compensation and raises. I have no authority to deviate from SFASU policy in hiring or authorizing raises. Likewise, I have no role in setting equity or mid-point wage rates for any positions.
37. I did not hire or set the initial starting salary for Ms. Fields, Ms. Trotty, Mr. Hetrick, or Mr. Horton.
38. In setting initial wages for new hires, my authority is bound by SFASU policy and PPD's operational budget. The operational budget restricts my authority to unilaterally offer salaries above how much the previous employee—who the new hire is replacing—was making.
39. In practical terms that means for all of my new hires I have only had the authority to offer a salary up to the lower of the position's previous salary or the position's mid-point wage rate. In an effort to attract and retain quality employees, I have offered the full-amount I have been authorized to for every position that I have hired, both men and women, including for Mr. Flynn, Mr. Arriaga, Mr. Velasquez, Mr. Uhyrek, and Mr. Zimmerman.
40. Likewise, PPD raises are authorized by the Physical Plant Director and approved by the Vice President of Finance and Administration and the Board of Regents based on University policy and procedures. I have no authority to authorize raises outside those policies and procedures.

I declare under penalty of perjury that the foregoing is true and correct.”

EXECUTED on September 30, 2014



ROBERT COKER